

**STATE OF KANSAS  
DEPARTMENT OF HEALTH AND ENVIRONMENT**

In the Matter of Application for a  
License to Operate

Case No. 15-H-49

The Lighthouse Learning Day Care  
5112 Crestview St.  
Wichita, Kansas 67208

A Day Care Home Operated by  
Brittiney Hardwell

Day Care Home License No. 72137

**EMERGENCY ORDER OF SUSPENSION**

NOW on this 1st day of April, 2015, Susan Mosier, MD, Acting Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file on the day care home operated by Brittiney Hardwell [Applicant].

WHEREUPON, the Secretary finds that:

1. The Kansas Department of Health and Environment [KDHE] issued to Applicant, pursuant to K.S.A. 65-501 *et seq.*, a temporary permit to operate a day care home, effective March 1, 2015 through May 30, 2015.

2. Surveyors conducted a compliance survey of Applicant's day care home on March 31, 2015. As a result of the survey the following statutory and regulatory violations were observed or found:

a. Surveyors were denied access to the day care home in violation of K.S.A. 65-512. Upon arriving at the day care home a person other than Applicant answered the door holding an infant. Another child was observed in the home and other children's voices could be heard by the surveyors. The person that answered the door indicated no day

care children were in care and she would not allow a survey of the home. After calling law enforcement the surveyors were allowed entrance to the home. It was later discovered that Applicant was present in the home and day care children were in care.

b. Applicant failed to provide all reasonable information to the surveyors in violation of K.S.A. 65-512. Applicant informed the surveyors that she was closed for the day. During the survey the surveyors found twelve children in care, including ten children in the basement. Applicant indicated that the local fire department had given her permission to use the basement although the posted information from a fire inspection indicated the basement was not approved for use.

c. The number of children in the Applicant's care exceeded the number permitted by her temporary permit in violation of K.A.R. 28-4-114(h). There were twelve children in care, including five under eighteen months of age.

d. The names, addresses and dates of birth of four adults present in the home had not been submitted to the KDHE as required by K.A.R. 28-4-125(b).

e. Five adults either working or residing in the home did not have a record of a negative tuberculin test or x-ray as required by K.A.R. 28-4-126(c)(1).

f. The outdoor play area contained hazards including a lawn mower and discarded tires in violation of K.A.R. 28-4-115(i)(2).

g. Applicant was not tending to the needs of the children in care and was not aware at all times of the location and activity of the children in violation of K.A.R. 28-4-115a(b)(2).

3. Based on the above cited violations Applicant has failed to operate the day care home with strict regard to the health, safety and welfare of the children in her care as required by K.S.A. 65-508(a)(3).

4. K.S.A. 65-524 authorizes the Secretary to suspend a temporary permit to operate a day care home prior to a hearing when, in the opinion of the Secretary, said suspension is necessary to protect any child in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

5. Due to the facts contained in paragraphs 2 and 3 above, the Secretary has determined that immediate suspension of Applicant's temporary permit is necessary to protect children in Applicant's care from a substantial threat to their health or safety.

6. Applicant is hereby required, pursuant to K.S.A. 65-506, to notify the parents and guardians of the children in care in writing that her license has been suspended.

WHEREUPON, the Secretary hereby suspends Applicant's temporary permit to operate a day care home, effective immediately, thereby prohibiting Applicant from caring for children. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.


### **RIGHT TO A HEARING**

This Emergency Order of Suspension is issued pursuant to K.S.A. 77-536 of the Kansas Administrative Procedure Act.

Applicant may file a Petition for Reconsideration by filing such petition with Secretary Susan Mosier, MD, Acting Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612. The Petition for Reconsideration shall be filed within 15 days of the service of the Emergency Order of Suspension. The filing of a petition is not a prerequisite for seeking administrative review.

Licensee may file a Petition for Judicial Review pursuant to K.S.A. 77-610. A Petition for Judicial Review shall be filed within 30 days after service of the Emergency Order of Suspension or 30 days after an Order Denying a Request for Reconsideration. Service of the Petition for Judicial Review shall be served on Secretary Susan Mosier, MD, Acting Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Susan Mosier, MD, Secretary  
Kansas Department of Health and Environment

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of April, 2015, a true and correct copy of the above and foregoing Emergency Order of Suspension was deposited in the U.S. Postal Service, first-class, postage prepaid, addressed to:

Brittiney Hardwell  
5112 Crestview St.  
Wichita, Kansas 67208

April How  
Staff Member

And on the 1 day of April, 2015, a facsimile copy of the above and foregoing Emergency Order of Suspension was hand-delivered to:

Brittiney Hardwell  
5112 Crestview St.  
Wichita, Kansas 67208

By Adrienne Gadd